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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SUBPOENA TO REDDIT, INC.

Case No. 3:23-mc-80119

(Originating Case: Silva v. Doe 1, et al., S.D.
Fla. 1:22-cv-24262-RKA)

**DECLARATION OF KERRY L. DUFFY
IN SUPPORT OF PLAINTIFF
RICCARDO SILVA'S MOTION TO
COMPEL THIRD-PARTY REDDIT, INC.
TO RESPOND TO SUBPOENA**

Date: TBD
Time: TBD
Ctrm.: TBD

I, Kerry L. Duffy, declare as follows:

1. I am an attorney duly licensed to practice in the State of California, and admitted to appear before this Court. I am a Principal at the law firm of Bartko Zankel Bunzel & Miller, attorneys of record for Plaintiff Riccardo Silva ("Plaintiff" or "Mr. Silva"). I have personal knowledge of the facts set forth herein, except where it is stated as to information and belief, and if called as a witness, I could and would competently testify thereto.

2. I make this declaration in support of Plaintiff's Motion to Compel Third-Party Reddit, Inc. ("Reddit") to Respond to Subpoena, filed concurrently herewith.

3. A subpoena was served on Reddit, Inc. (“Reddit”) on March 31, 2023 in connection with a pending case in the United States District Court for the Southern District of Florida under Case No. 1:22-cv-24262-RKA (“Florida Lawsuit”), with the place of compliance in San Francisco, California (the “Subpoena”).

4. Under this Court's Local Rule 37, I met and conferred telephonically with counsel for Reddit, John Roche, on April 17, 2023 regarding Reddit's objections to the Subpoena.

5. I am informed and believe that Plaintiff's Florida counsel, Adam Stolz, had previously engaged in extensive discussions with Mr. Roche in regard to that Subpoena, as well as a prior subpoena directed at Reddit on the same subject matter, as detailed in the Declaration of Adam Stolz, which is filed concurrently herewith.

6. I spoke with Mr. Roche to discuss whether there was any means of resolving Reddit's failure to produce the requested discovery sought via the Subpoena. Mr. Roche reiterated Reddit's remaining objection on First Amendment grounds, taking the position that this is an issue for consideration and resolution by a Court, and that Reddit cannot comply with the Subpoena absent a Court Order directing compliance.

7. During our meet and confer discussion, Mr. Roche confirmed that Reddit had provided notice of the Subpoena to the Doe Defendant(s) (*i.e.*, the user(s) or subscriber(s) who own(s) and operate(s) the Reddit handle or account, u/SOSilva7, who made the defamatory statements at-issue in the Florida Litigation), and also confirmed that Reddit would provide the Doe Defendant(s) with copies of all filings related to any motion to compel in regard to the Subpoena.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This Declaration was executed this 19th day of April 2023, in El Dorado Hills, California.

/s/ Kerry L. Duffy
Kerry L. Duffy